

EXHIBIT 74

CONFIDENTIAL

2/11/2021

Manifestation Determination for Donquarion Lewis (5681020231)

Kalamazoo Public Schools

MANIFESTATION DETERMINATION

STUDENT INFORMATION

Student: Donquarion Lewis Birthdate: 08/20/2002 Age: 17-2 Grade: Eleventh grade	Date of Meeting: 10/16/2019 Resident District: Kalamazoo Student Primary Language: English Language in the Home:
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PURPOSE

The purpose of this review is to determine whether the conduct subject to discipline is a manifestation of this student's disability.

CONTACT INFORMATION

School staff contacted the parent/guardian/student to explain the purpose of this meeting and the role of the participants as well as to arrange a mutually agreeable time and place for this meeting.

Method:Phone **by:** Ajamian Gardner **Date:** 10/09/2019

PARTICIPANTS

The persons indicated below participated in the Manifestation Determination meeting:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Student: Donquarion Lewis
<input checked="" type="checkbox"/> General Ed Teacher: Scott Spada
<input checked="" type="checkbox"/> Special Ed Provider: George Sachse
<input checked="" type="checkbox"/> Eval Team Rep: Lori Morcom
<input type="checkbox"/> | <input checked="" type="checkbox"/> Parent/Guardian: Barbara Lewis-McDonald
<input checked="" type="checkbox"/> Parent/Guardian: Demond McDonald
<input checked="" type="checkbox"/> School District Rep: Ajamian Gardner
<input checked="" type="checkbox"/> Administrator of Student Services: Barry Smith |
|--|---|

RELEVANT INFORMATION

Conduct that is subject to disciplinary action:

Category 3 code of conduct violation-Assault. On 10/9/19, Don'quarion and J were walking through the cafeteria. Unprovoked, Don'quarion grabs J and puts him in a choke hold. J appears to lose consciousness for a moment. Don'quarion is looking around as he's holding him. He then picks J up and helps him walk a few steps. J later reports to Mr. Straka that he doesn't feel well and tells Mr. Straka about the incident. Don'quarion later texted J asking him not to tell and threatening to fight him.

Disability of this student:

Specific Learning Disability

Relevant evaluation and assessment results:

According to parent input, DQ was receiving speech/language services prior to third grade. Mom noted that DQ has struggled since attending the Head Start program, and repeated kindergarten. Donquarion was reevaluated when he was in 3rd grade attending Woodward Elementary where it was determined that he was eligible under the category of SLD in the area of Reading Fluency. As part of his 3 year evaluation held in February, 2015 when he was in 6th grade, the additional area of Math Problem Solving was added as an eligibility category. He was most recently evaluated in January, 2018 when he was in 9th grade when the evaluation team continued his eligibility under the category of Specific Learning Disability in the areas of Reading Fluency and Math Problem Solving. Based on his current schedule, 1st and 2nd hours are an EFE (construction trades), 3rd hour is Recreational Sports (58.5%), and 4th and 5th hours are co-taught (Earth Science-35%, and Algebra II A Part I-47.6%). DQ was placed on homebound services at the end of the 2018-19 school year, as the result of a disciplinary action following a suspension.

Student's current IEP and placement:

Donquarion currently receives a minimum of 50 minutes per week of special education support services. Mr. Sachse reports that DQ is struggling to make any progress toward his academic goals and objectives.

Teacher observations of this student:

Mr. Spada reports that he has had limited time with DQ as he was not in his class the first two weeks, of

ADMITTED

Exhibit 23

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PLAINTIFFS 00004579

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approximately the 4 weeks he has had him, DQ has also been out due to suspensions. That being said, Mr. Spada reported that DQ can be off -task and requires redirection, which he usually responds to. Mr. Spada said he has seen DQ struggle with other adult interactions, which can lead to altercations.

Relevant information from parents:

Mom reported that DQ was a normal teenage kid at home. Mom said she knew he was not currently doing well, academically, but mom said tha he has always struggled academically, since he attended Head Start. Mom says that he has low self-esteem due to his disability and she said that DQ can't read. Mom reported that DQ did not have a mental health diagnosis, did not take any medication, and has never received counseling.

Other Relevant Information:

This is this students 3rd referral for the 2019-20 school year and his 2nd suspension; this is his 24th referral of his high school career.

When asked DQ said he and _____ were "cool" when this happened, although DQ did report that the two of them had gotten in a fight a long time ago at a family event (students are related by marriage). Regarding this incident, DQ siad it started when he bumbed into J _____, and J _____ said he was going to fight him, and DQ told him not to disrespect him. DQ said that he and J _____ were just kidding around, and he had no idea that he grabbed him that hard.

MANIFESTATION DETERMINATION

Giving consideration to the relevant information, answer the following questions as they relate to the described conduct and the disability of this student:

Was the conduct in question caused by or directly and substantially related to this student's disability? ☐ Yes ☒ No

Was the conduct in question a direct result of the local school district's failure to implement this ☐ Yes ☒ No student's current IEP?

Give rationale for responses:

The team felt like the behavior in question was not directly related to the student's identified disability.

The determination of the IEP Team is that the conduct subject to discipline: (Select one)

☒ **Is not a manifestation** of this student's disability and general education disciplinary procedures may be followed.

☐ **Is a manifestation** of this student's disability.

NOTICE

The contents of this Manifestation Determination Review form serve as a description of the manifestation determination review process and outcome for your child. If a parent/guardian disagrees with this determination, they have the right to request an expedited due process hearing by following the procedures outlined in the Procedural Safeguards Notice for special education. The Procedural Safeguards Notice describes protections under the Individuals with Disabilities Education Act. In order to obtain a copy of the Procedural Safeguards Notice, contact the special education department in your local school district or go to www.cenmi.org.